



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

(304) 558-2021  
Fax (304) 558-0140

**WRITTEN DETERMINATION APPOINTING  
CAREY, SCOTT, DOUGLAS & KESSLER, PLLC AS  
OUTSIDE COUNSEL ON BEHALF OF THE GOVERNOR OF WEST VIRGINIA**

The Governor of West Virginia (hereinafter "Governor") is seeking the assistance of outside counsel to assist with currently pending litigation. More specifically, the Governor is seeking legal assistance to defend litigation styled: *G. Issac Sponaugle, III v. James Conley Justice, II*, Case No. 18-0810, currently pending in the Supreme Court of Appeals of West Virginia.

After submitting a proposal in response to Request For Proposals # 71 the law firm of Carey, Scott, Douglas & Kessler, PLLC was selected by the Governor and appointed by Written Determination dated July 10, 2018, to represent the Governor with respect to litigation styled: *G. Issac Sponaugle, III v. James Conley Justice, II*, Civil Action No. 18-P-217, then pending in the Circuit Court of Kanawha County. That civil action was subsequently dismissed by the Circuit Court of Kanawha County and the current proceeding was initiated in the Supreme Court of Appeals. As a result, the Governor's legal interests are now, once again, at issue in this new proceeding. Due to the nature of the Supreme Court of Appeals proceeding, the similarity of the parties and legal interests, Carey, Scott's familiarity with the same, the Governor's continued confidence in Carey, Scott's ability to represent his interests, and in the interests of efficiency and expeditiousness, the law firm of Carey, Scott's appointment to represent the Governor is hereby extended and expanded to include representation of the Governor in *G. Issac Sponaugle, III v. James Conley Justice, II*, Case No. 18-0810, currently pending in the Supreme Court of Appeals of West Virginia.

Based on the factors set forth above, as evaluated by the Governor, the Office of the Attorney General authorizes the appointment of Carey, Scott, Douglas & Kessler, PLLC to serve as outside counsel for the legal matter cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in black ink, appearing to read "Steven A. Travis".

Steven A. Travis  
Deputy General Counsel

Date Signed: September 21, 2018


CAREY, SCOTT, DOUGLAS & KESSLER, PLLC  
901 Chase Tower  
707 Virginia Street, East  
P. O. Box 913  
Charleston, WV 25323

State of WV-Office of the Attorney General  
State Capitol Bldg. 1, Rm. E-26  
1900 Kanawha Blvd. East  
Charleston WV 25305

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09/30/2018  
Account No: 1647-001M  
Statement No: 11619

Attn: Brian Abraham

RFP #71

  
Brian Abraham

RFP # 71  
C. Isaac Sponaugle, III v. James Conley Justice, II  
Civil Action No. 18-P-217

Previous Balance \$7,360.10

Fees

			Hours	
09/04/2018	DRP	Review Sponaugle's proposed order.	0.20	55.00 ✓
	DRP	Review and edit our proposed order.	1.20	330.00 ✓
	MWC	Work on proposed order granting motion to dismiss; review petitioner's draft order denying motion to dismiss.	0.70	245.00
09/05/2018	LA	Draft letter to Judge King; type Mr. Pogue's additions and revisions; finalize and mail same to Judge and opposing counsel.	0.60	n/c
09/12/2018	LA	Request order granting motion to dismiss; copy same to Mr. Carey and Mr. Pogue.	0.20	n/c
	LA	Emails from and to Chelsea Sivori regarding hearing transcript.	0.20	n/c
09/28/2018	MWC	Review petition and associated documents.	0.80	280.00
		For Current Services Rendered	2.90	910.00 ✓
		Total Non-billable Hours	1.00	

Recapitulation

<u>Timekeeper</u>		<u>Hours</u>
Michael W. Carey	350.00 per hour	1.50
David R. Pogue	275.00 per hour	1.40

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RFP #71

Total Current Work

910.00

Balance Due

~~\$8,270.10~~

I HEREBY CERTIFY THAT THE  
ITEMS LISTED HEREON HAVE  
BEEN RECEIVED AND APPROVED  
FOR PAYMENT

10/26/18 *Mary Gifford*  
\_\_\_\_\_  
Name

F.E.I.N. # 55-0770364